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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,684	05/31/2001	Yoshiharu Gotanda	0879-0316P	7218
2292	7590	07/14/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			YE, LIN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 07/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/867,684	GOTANDA, YOSHIHARU
	<b>Examiner</b>	<b>Art Unit</b>
	Lin Ye	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 May 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date 2. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. U.S. Publication 2002/0191096.

Referring to claim 1, the Tanaka reference discloses in Figures 2, 7 and 17, an electronic camera comprising: a mode setting device (including main switch SMAIN and SPC switch as shown in Figure 17, see page 5, [0076]-[0077]) that sets a first mode for a function which is unrelated to functions of the camera (i.e., PC mode for connecting the computer 36) and a controlling device (CPU 201 as shown in Figure 7, see page 4, [0062]) that prohibits the camera from capturing an image (e.g., turn off power supply to image pickup section at step #40 in Figure 17) when said first mode is set by said mode setting device(See Page 5, [0077]).

Referring to claim 2, the Tanaka reference discloses wherein said first mode (PC mode) is for the following: an electronic book function, an electronic notebook function (ie., electronic communicating with computer such as image data transmission, see page 8, [0111]).

Referring to claim 3, the Tanaka reference discloses wherein said controlling device (CPU 201) does not accept an input from a switch of the camera (switch SP/R for selecting reproduction mode or photograph mode at #80 in Figure 17) when said first mode (PC mode) is set by said mode setting device (when #20 is yes, the flowchart will escape the #80), said switch (switch SP/R corresponds to the switch 14 as shown in Figure 2, see page 3, [0059]) being provided to a body of the camera for the functions of the camera.

Referring to claim 4, the Tanaka reference discloses wherein said mode setting device chooses between said first mode (PC mode) and a second mode for the functions of the camera (i.e., reproduction mode or photograph mode) as shown in Figure 17.

Referring to claim 5, the Tanaka reference discloses wherein said second mode is a camera mode which includes said recording mode (photograph mode) and the play mode (reproduction mode); and the electronic camera further comprises another mode setting device (switch 14) that chooses between said recording mode and the play mode when the camera mode is set (see page 3, [0059]).

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Kiyokawa U.S. Patent 6,204,877.

Referring to claim 6, the Tanaka references discloses all subject matter as discussed in respected claims 1 and 4, and said mode setting device including main slide switch (11, see page 2, [0039]) for controlling OFF/ON mode for turning off/on power of the camera and SPC switch for setting first mode (PC mode) or second mode (camera function mode including recording mode and play mode that set by a slide switch 14), except that the references does not explicitly show the mode setting device is a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction.

The Kiyokawa reference discloses in Figures 3-4, an electronic camera has a mode-setting device (47, see Col. 6, lines 60-64) that is a slide switch that can be locked to set three modes (telephone mode, camera mode and remote mode); and the camera mode which includes said recording mode and the play mode. The Kiyokawa reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having a slide switch which can set more than two modes so that the mode setting device can simply and quickly perform the more functions by one switch. For that reason, it would have been obvious to see the mode setting device is a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction disclosed by Tanaka.

Referring to claim 7, the Tanaka and Kiyokawa references disclose all subject matter as discussed with respect to same comment as with claims 1, 4, 5 and 6.

5. Claims 8-10, 12-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Fumio et al. U.S. Patent 6,515,705.

Referring to claim 8, the Tanaka references discloses all subject matter as discussed in respected claim 1, and the image pickup section 3 has a taking lens (301) and CCD (302) (See page 2, [0037]). However, the reference does not explicitly show a lens cover for the taking lens (301), and the controlling device controls the lens cover driving device to close lens cover when camera is not using for perform the camera functions.

The Fumio reference discloses in Figures 4-5, the camera including an automatic lens cover (8, see Col. 4, lines 54-59); and a lens cover driving unit for driving the lens cover to close while the camera if off or the image pickup unit (4) is unused position or over a 90° range (See Col. 1, lines 35-40, Col. 5, lines 1-5 and 59-67). The Fumio reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having an automatic lens cover for automatically closing to cover the taking lens when the camera is not in use so that avoiding any scratches on the surface of the camera lens. For that reason, it would have been obvious to see a lens cover for the taking lens (301), and the controlling device controls the lens cover driving device to close lens cover when first mode is set (camera is not using for perform the camera functions) disclosed by Tanaka.

Referring to claim 9, the Tanaka and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 2 and 8.

Referring to claim 10, the Tanaka and Fumio references disclose all subject matter as discussed with respect to same comment as with claims 1, 3 and 8.

Referring to claim 12, the Tanaka and Fumio references disclose all subject matter as discussed with respect to same comment as with claims 1, 4 and 8.

Referring to claim 13, the Tanaka and Fumio references disclose all subject matter as discussed with respect to same comment as with claims 1, 5 and 8.

Referring to claim 16, the Tanaka and Fumio references disclose all subject matter as discussed with respect to same comment as with claims 1 and 8, and the Fumio reference discloses wherein said taking lens is collapsed (until it is in the unused position) before said lens cover is closed (See Col. 5, lines 62-67).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Fumio et al. U.S. Patent 6,515,705 and Oeda et al. U.S. Publication 2001/0012071.

Referring to claim 11, the Tanaka and Fumio references disclose all subject matter as discussed with respect to same comment as with claims 1 and 8, except the references do not explicitly show the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set.

The Oeda reference discloses in Figure 3, the electronic camera has a recording mode (image pick up mode) for recording image data in a storage medium (flash memory 26 in Figure 4) in the camera, and a play mode for playing an image on a monitor (LCD 29) according to the image data stored in the storage medium in the

camera; and controlling device (system controller 15) controls the lens cover switch to open only in recording mode, and does not open the lens cover in the play mode. The Oeda reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system open the lens cover when camera using image pick up unit for photographing and does not move the lens cover when camera only using for reproduction to display image data stored in memory, so that lens cover can protect the taking lens effectively. For that reason, it would have been obvious to see the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set disclosed by Tanaka.

7. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. U.S. Publication 2002/0191096 in view of Fumio et al. U.S. Patent 6,515,705 and Kiyokawa U.S. Patent 6,204,877.

Referring to claim 14, the Tanaka, Fumio and Kiyokawa references disclose all subject matter as discussed with respect to same comment as with claims 1, 6 and 8.

Referring to claim 15, the Tanaka, Fumio and Kiyokawa references disclose all subject matter as discussed with respect to same comment as with claims 1, 7 and 8.

*Conclusion*

Art Unit: 2612

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (703) 305-3250.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Lin Ye  
July 7, 2004

*Wendy R. Garber*  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
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